



# MAYOR AND COUNCIL AGENDA

NO. 8

DEPT.: Community Planning and Development Services /DATE PREPARED: 3/8/05  
STAFF CONTACT: Deane Mellander FOR MEETING OF: 3/14/05

**SUBJECT:** Discussion and Instruction continued on Preliminary Development Plan application PDP2004-00007: To allow for a mixed-use development of office, residential and retail uses at the corner of Choke Cherry Road and Shady Grove Road (Upper Rock District); The JBG Companies, applicants.

**RECOMMENDATION:** Approval of the PDP plan (Attachment 11) with the conditions set forth in Attachment 2.

**DISCUSSION:** The applicant has filed an application for a Preliminary Development Plan for a mixed-use development at the southwest quadrant of Choke Cherry Road and Shady Grove Road. The application calls for the retention of the existing 238,086 square foot office building; the construction of multi-family residential units, including the conversion of the existing office building at 3 Choke Cherry Road to residential units; and the addition of service retail commercial and restaurants. The summary of the development proposal is as follows:

Office:	245,336 square feet
Multi-family residential:	844 units, including 94 senior housing MPDU's
Service retail:	7,250 square feet
Restaurant:	9,000 square feet

The Planning Commission considered this proposal at their meeting on December 1, 2004 and unanimously recommended approval. Their recommendation is attached. The project includes several innovative ideas, including "live/work" units, a decorative "landscaped wall" along the I-270 and Shady Grove Road frontages, incubator retail, and "green" building designs. The applicant proposes to reserve the 94 moderate-priced dwellings for senior living units. Off-site traffic mitigation measures are also proposed. A summary of the testimony received at the hearing is provided as Attachment 6. There was no testimony in opposition to the proposed application. At the previous Discussion and Instruction session the Mayor and Council asked for clarification or further information on a number of issues. These are noted on Attachment 1. The Mayor and Council asked what the net number of new trips generated by the site would be. The attached chart (Attachment 3) provides a breakdown of existing vs. new trips. The applicant has also addressed the traffic issue in their memo of February 11, 2005 (Attachment 5).

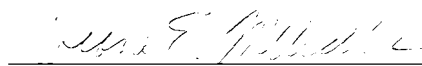
Staff notes that the proposed new fire station near the intersection of Darnestown Road and Great Seneca Highway is shown in the adopted County CIP for construction in FY 2008. This would be in the same timeframe as the expected completion of the Upper Rock project. At present, the site is at the edge of the seven-minute response time area. Construction of the new station will put the site well within the seven-minute response time area.

Attachment 2 provides the recommended conditions of approval of the PDP application. These conditions incorporate the additional changes recommended by the Planning Commission as well as the additional changes accepted by the applicant in response to the issues raised by the Mayor and Council.

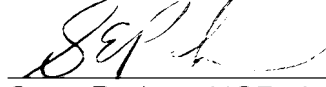
**Boards and Commissions Review:** The Planning Commission reviewed this application on December 1, 2004 and recommended approval with conditions.

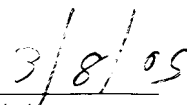
**Next Steps:** Prepare a resolution of approval for the PDP application.

**PREPARED BY:**

  
Deane Mellander, Planner III

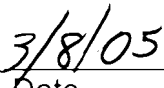
**APPROVED BY:**

  
Scott Parker, AICP, Acting Chief of Planning

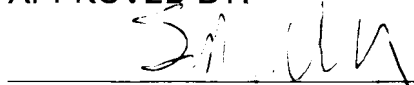
  
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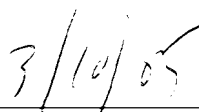
**APPROVED BY:**

  
Arthur D. Chambers, AICP, Director, CPDS

  
Date

**APPROVED BY:**

  
Scott Ullery, City Manager

  
Date

**LIST OF ATTACHMENTS:**

1. Supplemental Staff Memorandum
2. Recommended Conditions of Approval
3. Traffic generation chart
4. Detail diagram of plaza areas
5. Applicant's Memorandum of February 11, 2005
6. Letter from Adres Duany of February 8, 2005
7. Summary of Public Hearing testimony
8. Applicant's response to initial issues raised at public hearing
9. Planning Commission recommendation
10. Staff report to the Planning Commission
11. Preliminary Development Plan

## **Supplemental Staff Memorandum to Mayor and Council**

Responses to Additional Questions Raised at the Discussion and Instruction Session on January 24, 2005.

The Mayor posed some additional questions at the previous D&I session. The applicant has provided responses to these queries in the attached memo of February 11, 2005 (Attachment 5). Staff has provided added comment below, where necessary.

1. Reduction of project size to result in no new net trips.

The application is consistent with the provisions of the Comprehensive Transportation Review requirements, and is recommended for approval by the Traffic and Transportation Division with the mitigation measure provided. As can be seen by the attached chart prepared by T&TD (Attachment 3), the net trips in the a.m. peak are less under the PDP than with the current office approvals. In the p.m. peak, there are 30 more trips than with the current office approvals. It should be pointed out that while virtually all of the 677 p.m. approved peak office trips would be outbound, about 40% of the 707 trips will be inbound, which is a better balance of trips and eases the impact on local intersections.

2. Transit Use. See applicant's response (Attachment 5).
3. Site Configuration: See applicant's response (Attachment 5). Staff has prepared a detail diagram of the central area of the project (Attachment 4). The plan indicates that there will be a large public plaza area (almost a half-acre) in front of the SAMSHA building. In addition, there will be a smaller public plaza area of about 6,000 square feet, near the retail pavilion. The details of how the amenities and landscaping for these areas are treated will be refined during the Use Permit review process.
4. Landscaped Wall. See applicant's response (Attachment 5).
5. Sidewalk widths. See applicant's response (Attachment 5), and February 8, 2005 letter from Andres Duany (Attachment 6).

**Staff Recommendation:**

Staff recommends Approval of the PDP application and PDP plan with the conditions listed below. This list includes the modifications recommended by the Planning Commission as well as new or expanded conditions resulting from the applicant's response to the concerns of the Mayor and Council:

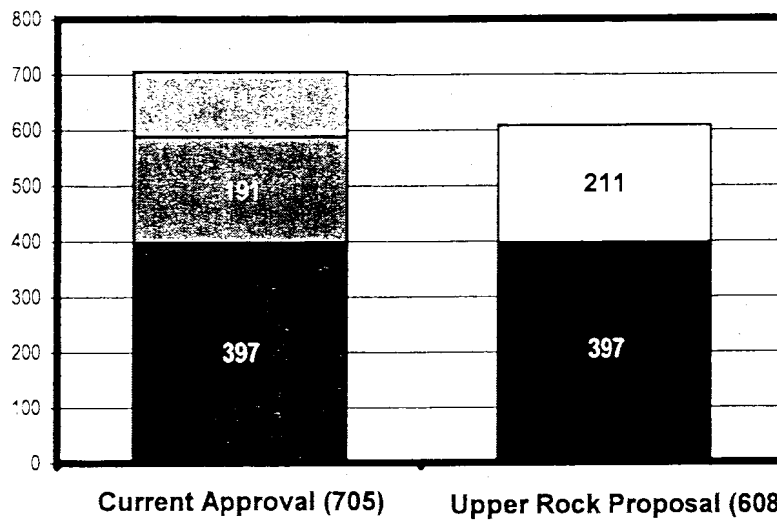
1. Use Permits submitted to implement the PDP must be consistent with the approved PDP plan. Minor reallocations of floor area or uses may be allowed at the Use Permit stage, within the overall development envelope approved in the PDP.
2. Applicant shall submit letter from MD SHA to confirm location of future Corridor Cities Transitway right-of-way and applicant must reserve this right-of-way for future public use. No permanent improvements may be made in this right-of-way.
3. The Applicant should coordinate and cooperate with the City, County and State as the Corridor Cities Transitway project proceeds to ensure that adequate pedestrian and bicycle facilities are provided in conjunction with the CCT project.
4. Traffic mitigation measures must be instituted with the beginning of project construction, rather than at the end.
5. Applicant to provide a shuttle service between the project and the Shady Grove Metro station. Such shuttle should be coordinated with the King Farm shuttle service as practical.
6. Applicant shall dedicate right-of-way and/or provide a Public Improvement Easement along Shady Grove Road to accommodate an eight-foot shared bike/pedestrian path, and an eight-foot buffer area and bus shelter(s) and right turn lane improvements per DPW and County standards prior to the issuance of first occupancy permits.
7. Obtain permits from Montgomery County and construct, the following off-site road improvement projects. The timing of these improvements will be determined through the Use Permit process:
  - a. An eight-foot bike path and eight-foot tree buffer on Shady Grove Road along the frontage of the site per DPW and County requirements.
  - b. A right turn lane from eastbound Shady Grove Road to southbound Choke Cherry Road per DPW and County requirements.
  - c. A right turn lane from northbound Choke Cherry onto Shady Grove Road and associated markings per DPW and County requirements.

- d. Lengthen the left turn bay from Shady Grove onto Choke Cherry per DPW and County requirements.
  - e. An additional westbound left turn lane from Shady Grove Road onto southbound Gaither Road and additional receiving lane on Gaither Road per DPW and County requirements.
  - f. A right turn lane from Shady Grove Road onto Gaither Road per DPW and County requirements.
  - g. Provide a right turn lane from eastbound King Farm Boulevard to northbound Frederick Avenue (Rt. 355).
- 8. Submit street cross sections for review and approval. The following specific sidewalk sections will be provided at the time of Use Permit review:
  - a. The sidewalk along the Specialty Retail Market at Block D to be 25 feet 6 inches wide, consisting of an 18 foot 6 inch pedestrian walk plus a 7 foot convertible parking lane.
  - b. The sidewalk for the live-work units along Choke Cherry Road (Blocks B, C and E) shall not be less than 25 feet wide.
  - c. The sidewalk along Shady Grove Road will include design elements derived from the Rockville Pike Streetscape, to include an 8 foot shared pedestrian/bike path separated from Shady Grove Road by a landscaped berm.
- 9. At the time of Use Permit review, the applicant will provide details on articulating the building facades to provide a more human scale environment for consideration and approval by the Planning Commission.
- 10. Streets and sidewalks that function like a public street must be designed, constructed and permitted according to the Department of Public Works standards. Design waivers may be required to accommodate possible reduced building setback. These streets and sidewalks must be covered by an agreement or declaration that requires public access to be maintained at all times. The agreement must also stipulate that the street be maintained according to the Department of Public Works standards.
- 11. The Applicant shall implement a five-foot bike lane on Piccard Drive between Redland and Millennium Trail connection at Gude to provide a bicycle connection identified in the City Bikeway Master Plan from the site to the Millennium Trail.
- 12. The Applicant shall install three traffic-calming devices in the Redland corridor between Piccard Drive and Pleasant Road in the adjacent King Farm community. The devices will be coordinated with the King Farm community, approved by staff and finalized at the Use Permit stage.
- 13. The Applicant shall upgrade the pedestrian infrastructure at the intersections of Shady Grove/Choke Cherry and Shady Grove/Gaither including crosswalk

markings and countdown signals per DPW and County requirements. This includes coordination with the Montgomery County Department of Public Works and Transportation for the location of bus shelters and their alignment with the crosswalks.

14. Safe pedestrian access and adequate parking must be provided during all phases of construction. Sidewalks must be a minimum of 15 feet wide. Final sidewalk designs will be determined during the use permit review process.
15. Payment of the County's Development Impact Tax, as applicable prior to the issuance of building permits.
16. Comply with all conditions detailed in the SWM concept approval letter dated November 23, 2004.
17. Provide on-site recreation and parks facilities such as passive and active open space. Active open space should include amenities such as tennis courts, tot lot playground for ages 2-12 years, walking paths, garden plots, etc. Consult with the Recreation and Parks Department during the Use Permit phase for design standards of facilities. Also, provide fitness facilities within buildings. The development should contribute toward recreation facilities in the surrounding neighborhood such as King Farm 28-acre park and the King Farm Farmstead to supplement on-site facilities.
18. Applicant must address the issue of sewage transmission capacity constraints at the time of Use Permit review. No building permits will be issued until the WSSC certifies that adequate transmission capacity is available.
19. All new construction and the adaptive re-use of 5 Choke Cherry Road (Phase 2) will be developed to LEED Certified standard (version 2.1).
20. A Forest Conservation Plan (FCP) was previously approved for this site (FTP2000-00008A) and a Forest Conservation Easement (FCE) was established to protect trees on site. The proposed development will result in removal of protected trees. Prior to the approval of the Use Permit a revised Forest Conservation Plan must be approved that addresses additional tree loss, replacement planting requirements and updated afforestation requirements. The existing FCE will need to be abandoned and a new FCE created.
21. All utilities to be underground or within buildings, as directed by the Department of Public Works.
22. Provide public art in accordance with the provisions of Chapter 4 of the Code. Staff calculates the total art provision requirement at \$264,688. This consists of \$202,450 for the 750 market rate residential units, and \$62,238 for 261,587 total square feet of commercial/office space.

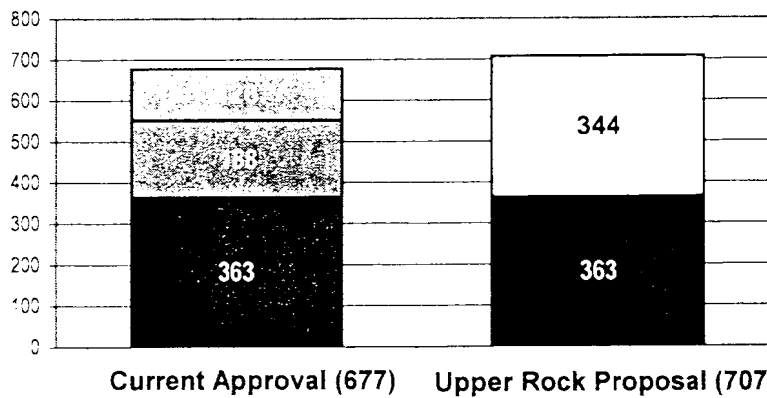
### AM PEAK HOUR Trip Generation



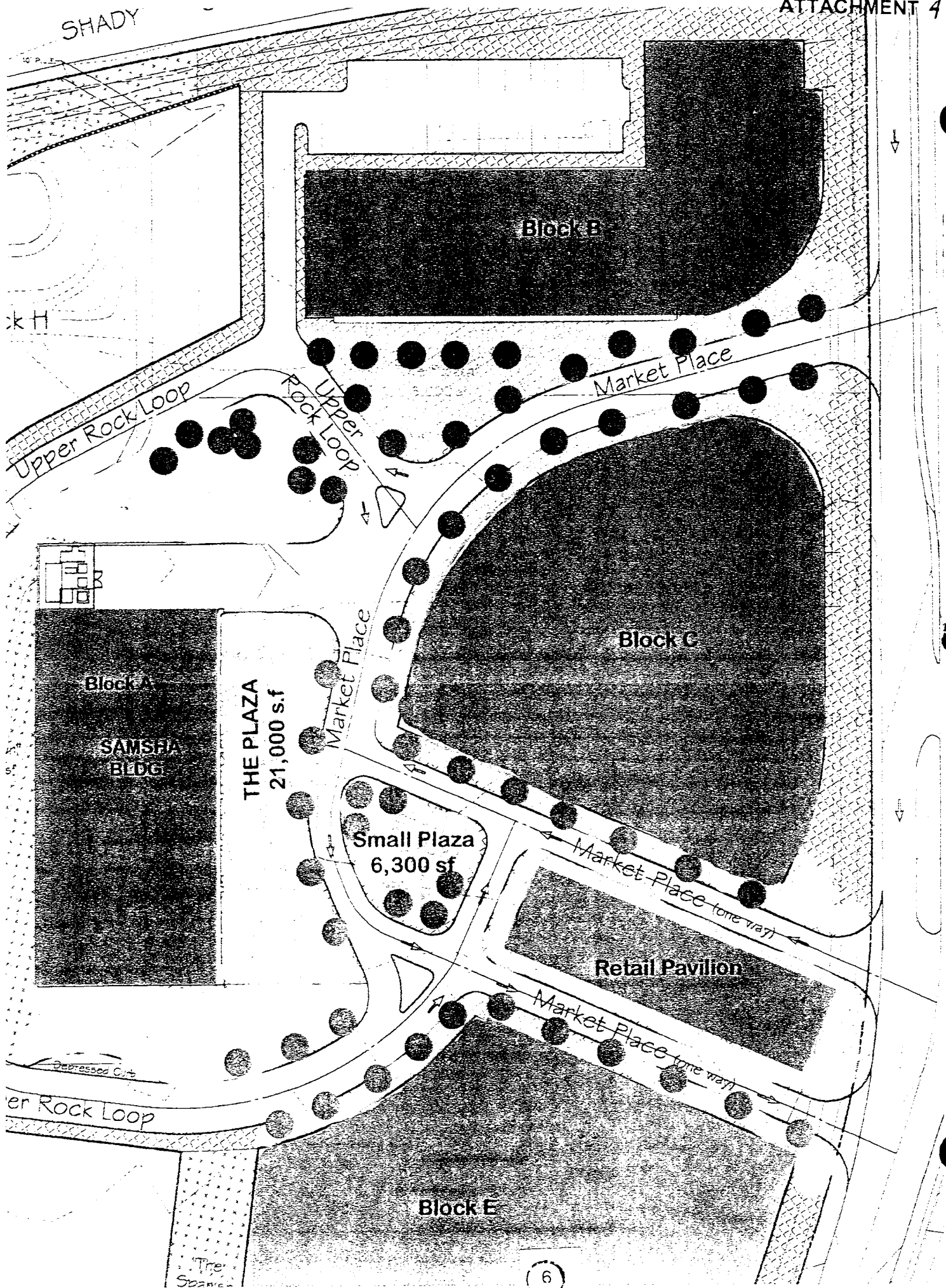
**Upper Rock:**  
 750 multi-family DU  
 94 Senior MPDU  
 9,000 Restaurant  
 14,500 Retail

- Upper Rock PDP Traffic
- Approved 5 Choke Cherry 73,700 sf Traffic
- Approved Phase III 117,00 sf Traffic
- Existing SAMSHA Traffic

### PM PEAK HOUR Trip Generation



- Upper Rock PDP Traffic
- Approved 5 Choke Cherry 73,700 sf Traffic
- Approved Phase III 117,00 sf Traffic
- Existing SAMSHA Traffic





MEMO

To: Deane Mellander  
 From: Matthew Hurson  
 Date: February 11, 2005  
 Re: PDP 2004 - 0007  
 Upper Rock District

We have reviewed the concerns expressed by Mayor Giammo in his memo of January 18, 2005 and have the following comments:

Trip Generation. We have examined the impact of lowering density to reduce the community to no net gain in peak hour trips and concluded the density should remain as proposed.

- It is our intent to adhere to the policy of the City to evaluate proposed projects under the approved CTR guidelines. Despite the fact that PDP 2004-0007 was filed prior to the enactment of the CTR, the applicant voluntarily submitted the application to CTR. Pursuant to CTR, the applicant agreed to construct a set of mitigation measures that includes every item requested by the City and exceeds CTR requirements. Neither the CTR, nor the previously enforced standard traffic methodology, includes a policy whereby the density of a proposed project is limited to peak hour trip generation not exceeding a prior approval.
- Reduction of the density of the project to present approval level would also cause a loss of numerous benefits to the community at-large that would be directly funded under the Upper Rock proposal. At the end of this memo is a summary comparing mitigation measures included in 1) the Upper Rock proposal and 2) the present approval.
- In order to achieve the goal of no net gain in peak hour trip generation, the density would be reduced to a level that would change the very nature of the proposal that envisioned, shaped and agreed upon at the community Charrette. The Upper Rock District is being created to encourage the Creative Class worker to choose to live and work in Rockville. A dramatic reduction in density would reduce the liveliness and urban nature of the community, render the retail incubator un-workable and DPZ's proposal would be reduced to a more traditional, suburban environment that is simply not undesirable to the Creative Class.

Transit Use. We agree to commit to a specific, articulated Metro shuttle service as requested by the Mayor as a condition of Use Permit approval. The applicant presently operates a Metro shuttle to/from the Upper Rock property serving 1 Choke Cherry Road. Hours of operation are 6:30am to 6:30pm weekdays. Upon approval and completion of development of Upper Rock, the applicant will expand the existing Metro shuttle to accommodate the increased density and mixed uses. To the extent practical and agreeable to the King Farm shuttle operator, the Applicant will coordinate the operation of the Metro shuttle such that residents and workers at Upper Rock can share a shuttle with King Farm.

Block A. We have considered changing the DPZ proposal to include a central "traditional Town Common" and concluded the central element should be the proposed "Market Place - Incubator Retail" element. (Block A is the location of the recently completed 1 Choke Cherry Road and can not be put to another use). The community Charrette was well attended by the workers in the existing office buildings, prospective Creative Class workers as well as King Farm residents. These groups specifically stipulated that there is an abundance of 'town commons' in neighboring communities and requested that the central cultural element of the proposed community be an active, social streetscape. In reaction to such clearly expressed community sentiment, DPZ created the central market place element that was further refined at the request of the community in both location (away from Shady Grove Road and towards King Farm) and composition (no national chains, below market rents, local independent and start-up merchants).

Retail Market Place (Block D). We have considered changing the DPZ proposal to relocate the retail and place retail on fronting streets and concluded the retail market place should remain as proposed. As mentioned above, the location was established at the specific request of community stake-holders. We

agree that this is not an advisable location for *traditional* retail space and to promote success we have agreed to 1) strictly limit tenancy to non-traditional, artists, crafts-persons and independent and start-up retailers and 2) charge retail rents below prevailing market.

Building lengths. We agree that attention must be taken to assure the buildings in Blocks E, F, G and H are made "human scaled and more intimate". We have examined block lengths in both King Farm and the Rockville Town Center and found examples well in excess of the block lengths proposed by DPZ for Upper Rock. At Use Permit, the applicant and the architects for each structure will specifically examine techniques employed successfully at other properties and compose building layouts and façade design to address this concern expressed by the Mayor.

The Landscaped Screen Wall. We have examined the request that the wall be relocated to the outer edge of the property and concluded the location of the wall should remain where proposed.

- The wall serves as a screen to the parking structures and therefore must remain attached to the buildings.
- We agree that the experience of the wall from inside the community must be carefully considered. Creations of openings from inside the wall to the outside public spaces are an opportunity for a very exciting architectural experience.
- The applicant commits to establishing a community-oriented process (a "mini-Charrette") to gain input and support from the community at-large as a condition of Use Permit approval.
- Together with design approval, the applicant will prepare and submit draft covenants assuring continual, private maintenance of the Landscaped Screen Wall. The covenants will be similar to those applicable to key landscape elements of other private communities.

Sidewalk Widths. We concur with the Mayor's concern and agree to the following:

- Specialty Retail Market at Block D: See proposed Section C prepared by Street-Works, LLC. The sidewalk at the retail building will include 25'6" comprised of 18'6" of pedestrian walk plus a convertible 7' parking lane.
- Choke Cherry Road: See proposed Section E prepared by Street-Works, LLC. The sidewalk at the residential/live-work units along Choke Cherry Road (Blocks B, C and E) shall not be less than 25'.
- Shady Grove Road: See proposed Section C prepared by Street-Works, LLC. The sidewalk will include design elements derived from the Rockville Pike Streetscape revised details and will include an 8' shared pedestrian/biker path separated from Shady Grove Road by landscaped berm.

Environmental Certification. We concur with the Mayor's concern and agree that all new construction, including the adaptive re-use of 5 Choke Cherry Road (Phase 2), will be developed to LEED Certified standard (version 2.1).

cc: A. Duany  
M. Watkins  
P. Jervy  
N. Regelin  
Community Charrette Participants

Directly Funded Community Benefits  
Upper Rock District  
v.  
Existing Approvals

	Required Under PDP 2004-0007 Proposal	Required Under Existing Approvals	Status
<b>Units of Affordable Senior's Housing</b>	94		
2 New Office Buildings, or		0	Not completed
Residential with 'No Net New Trips'		50 +/-	NA Not completed
<b>Traffic Mitigation Measure</b>			
Extend Choke Cherry to Piccard	Yes	Done	Completed with 1 Choke Cherry
Fund new traffic signal at Choke Cherry and Piccard Drive	Yes	No	Not completed
Add dedicated left NB Choke Cherry to Shady Grove (widen Choke Cherry)	Yes	Done	Completed with 1 Choke Cherry
Add dedicated right EB Shady Grove to Choke Cherry	Yes	Yes	Not completed
Bus shelter Shady Grove at Red Lobster	Yes	No	Not completed
Pedestrian safety improvements Shady Grove at Choke Cherry	Yes	No	Not completed
Add second lane Gaither SB into KF (widen Gaither)	Yes	No	Not completed
Add second left turn lane on WB Shady Grove into SB Gaither	Yes	No	Not completed
Add pedestrian refuges in Shady Grove median both sides of Gaither	Yes	No	Not completed
Redland Road Traffic Calming	Yes	No	Not completed
Create dedicated left EB Redland to MD 355	Yes	No	Not completed
<b>Public Art</b>			
Approximate Public Art Contribution	\$ 250,000	\$ 100,000	
<b>School Construction</b>			
Approximate Contribution to School Construction	\$ 2,250,000	\$ 1,100,000	
<b>Other Proffers</b>			
Contribution to KF Farmstead rehab	Yes	Reduced	

Analysis of Traffic Mitigation Measures  
Existing Approvals  
vs.  
Upper Rock District Proposal

February 11, 2005

These are the traffic mitigation measures required under 'existing approvals':

1. Extend Choke Cherry Road to Piccard Drive. Presently under construction.
2. Widen Choke Cherry Road to create new north-bound lane on Choke Cherry at Shady Grove. Presently under construction.
3. Add dedicated right turn lane from east-bound Shady Grove onto Choke Cherry.

These are the additional traffic mitigation measures, not required under existing approvals, to be provided under the Upper Rock proposal:

1. Fund traffic signal at intersection of Choke Cherry and Piccard Drive.
2. Redland Road traffic calming measures.
3. Add second left turn lane from west-bound Shady Grove Road onto south-bound Gaither Road.
4. Add second lane on south-bound Gaither Road from Shady Grove (widen Gaither).
5. Add pedestrian refuge in median at intersection of Shady Grove and Gaither.
6. Bus shelter on Shady Grove Road near the Red Lobster.
7. Add pedestrian safety improvements at intersection of Choke Cherry and Shady Grove Roads
8. Create dedicated left turn lane on east-bound Redland Road at Rockville Pike.

DUANY PLATER~ZYBERK & COMPANY  
ARCHITECTS AND TOWN PLANNERS

February 8, 2005

Hon. Larry Giammo  
City of Rockville, Maryland  
111 Maryland Avenue  
Rockville, Maryland 20850

Re: Upper Rock District

Dear Mayor Giammo:

Your comments regarding our proposal for Upper Rock have been forwarded to me. I agree with some and disagree with others and would like to respond with my thoughts. A copy of your January 18 memo is attached for reference.

Trip Generation: The creation of an edgy, vibrant community that will be a location desired by the Creative Class and fuel Rockville's technology employment requires a certain level of density. The 750 market rate units proposed on a site of nearly 20 acres is under 40 dwellings per acre - already a low density to achieve the level of pedestrian activity the Creative Class expects. The density of places like Adams Morgan in DC confirm this. As I understand it, the impact our proposal has upon surrounding roads has been more than offset by improvements proposed by the engineers and agreed to by the developer. In fact, these improvements, even with the traffic generated by the development, will result in a better level of service than exists with the prior site plan. I suspect that politically this may be the toughest issue with regard to the project. However, without this minimum level of residential density this will not be the kind of place we have been describing to the general excitement.

Block A: In principle we are in complete agreement. Let me see if I can convince you that our execution indeed supports the principle. The "center" need not necessarily be at the geographic center. A neighborhood is not like a fried egg. Though not readily apparent the "center" at Upper Rock was shifted during the Charrette from the arterial with the vehicular traffic to be the pedestrian route to the transit station and other amenities at King Farm. With the support of the participants at the charrette we proposed that the primary space at Upper Rock be a plaza—a well-paved area that can stand up to the activity it is sure to generate. The participants also liked the informality characterized by small shops of non-national retailers, local restaurateurs and start-up businesses. The nearby market structure will allow this activity to thrive even during inclement weather. DC, Baltimore, and Annapolis all have such markets.

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Block D1 and D2: Conventional (suburban) retail demands the high visibility of Shady Grove Road. What we have proposed is not conventional retail space. The developer has agreed to create a 'retail incubator' at below market rents that will include the commerce described in the prior paragraph. This is "destination retail". Not only does it not demand the conventional level of highway visibility, it can suffer from it. The success of destination retail depends in part on the quality of its environment. Shady Grove Road is a rather violent arterial. The noise and fumes alone would kill any sort of food service on a sidewalk anywhere near it. The proposed retail is un-"conventional" in another way. The developer has wisely understood it as an amenity that will allow them to keep the office and residential space leased. Conventional retailers use this strategy, too, reducing or eliminating the rents of the large anchors (Hechts, Giant, etc.) because they attract tenants to the smaller spaces. The approach here is similar, but instead of demanding a certain number of car trips past their front door, these retailers demand a certain character of shopping environment.

With respect to your comment that there should be retail on both sides of a street, you are exactly right. The unconventional retail described in the preceding paragraph is very well suited across the street from live-work units—which include commercial on the ground floor. Though the commercial is provided in different building types, it is indeed on both sides of the street as you recommend.

Building Lengths: We agree that it is imperative that building design should ensure that the structures are "human scaled and intimate". In recognition of the fact that not all architects practicing these days know how to do this, we have written a design code that will be binding on the buildings of Upper Rock.

Sidewalk widths. In our meeting last July I suggested that 25 foot sidewalk widths are appropriate in certain circumstances – which would include urban environments with active, street level retail. The range of sidewalk widths proposed in our plan, from 16 feet at the residential buildings fronting the interior roads to over 30 feet at the live-work units fronting Choke Cherry Road, seems to be appropriate to the variety of urban context zones. Making every sidewalk 25' feet wide regardless would be the easy way to address this concept. The cost of a few more feet of sidewalk in a project of this scale is obviously inconsequential. We are concerned, however, about making the sidewalks in the area you mention too wide resulting in an "empty" feeling. A variety of sidewalk widths (some more than 30 feet) is the more sophisticated proposal. Also, that one of the traffic lanes at the Market Place building (Block D) is convertible for pedestrian use for special occasions (e.g. weekend craft sales, etc.) which provides additional flexibility of pedestrian realm. Bethesda routinely does this for their art fairs, "taste" events, and the like.

Your willingness to consider tailoring a part of your city to this particular market demonstrates an all too rare recognition of our changing society. To avoid the cost of educating school-age children, many municipalities are overloading themselves with age-restricted developments—never mind the pending burden of EMS calls and the shortage of service employees. Inviting this largely single, childless market to Rockville will help provide a proper and sustainable balance of residents for the City. I presented Upper Rock at the EPA's Smart Growth conference in Miami

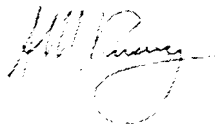
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last weekend and my enthusiasm for the project was renewed by the audience's positive reaction to the developer's commitment to build something other than "the usual" mixed-use project".

As was the case with Kentlands, it takes political leadership based on tested principles to build great places. Thank you for the concern that you are investing in making Upper Rock a great place. Please do not hesitate to contact me directly if you would like to discuss these or other issues in greater detail. If you have difficulty reaching me, which is regrettably sometimes the case, you may wish to contact Mike Watkins who runs our "DC" office in Kentlands. Mike and I worked together on the Upper Rock plan and are in touch regularly.

Sincerely,



Andres Duany

cc: Charrette Participants  
Mike Watkins, DPZ DC

Attachment

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**SUMMARY OF TESTIMONY FOR PUBLIC HEARING  
HELD DECEMBER 6, 2004  
PDP2004-00007  
UPPER ROCK DISTRICT**

Speaker	Summary of Testimony
Matt Hurson – JBG, applicant	All traffic generated by the project has been mitigated; applicant proposes even further mitigation measures in the King Farm area. The project will be a net benefit to the City, and is recognized as a “Smart Growth” project. The 94 senior designated MPDU’s will be first offered to the City, then to the County, then back to the City again before coming on the open market. The proposed split between rentals and condos is 50-50, though the preference would be for ownership.
John Bailey – Smart Growth Alliance	The Alliance Smart Growth Recognition Program jury recognized and recommended this project as a Smart Growth Project in October, 2004. It meets the criteria for location, density, design, mix of uses, transportation accessibility, environmental issues, and community assets.
Brian Pierce and Susan Pierce	Fully support the project; a great improvement over having another office park. A project that is innovative and worthwhile. The charrette process was excellent. Ms. Pierce also stated that the project would show leadership and innovation by the City, possibly leading to national recognition.
Wayne Goldstein – Sustainable Montgomery	The charrette process was an amazing experience. It is exciting to see the recycling of an existing office building.
Michael Mogil	Fully supports the project. “Two thumbs up.”



## Applicant's Response

The Applicant has provided the following information in response to the questions posed by the Mayor and Council at the public hearing:

### Green Space

In response to the request for additional information regarding the quantity and nature of the Green Space provided in the Upper Rock District Proposal, we have attached to this memo an exhibit with a plan and area summary noting the location of the two principal types of Green Space in the proposal:

Feature/Program Space. This includes larger contiguous spaces in which will be located areas for active recreation and performance spaces. Feature/Program Space comprises approximately 66% of the total Green Space. The required Green Space is 40% of total site area.

Pedestrian Circulation Space. This includes spaces throughout the community which are reserved for pedestrian circulation, including passive relaxation spaces. Pedestrian Circulation Space comprises approximately 34% of the total Green Space requirement.

The above notes spaces were categorized as featuring either predominately *green/soft landscaped areas* (about 59% of total Green space), or predominately *hard-scaped plazas and walkways* (about 41%).

### Landscaped Wall

In response to the request for additional information regarding the landscaped wall (formerly known as the "art wall"), we offer the following:

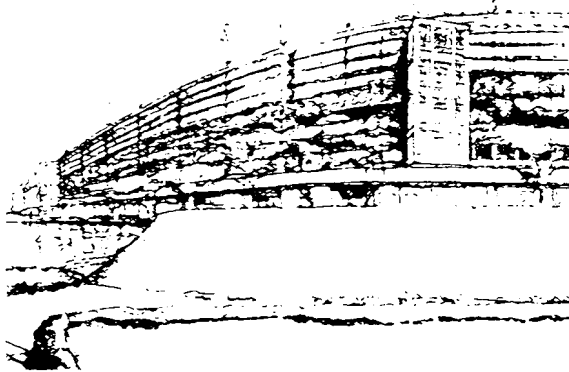
The planner (DPZ Architects) offered concept planning during the charrette process. Among the key elements identified by the planner:

1. Serves to both screen parking structures and act as a large sculptural element visible from I-270 and Shady Grove Roads.
2. Extends from King Farm property line to the surface parking lot serving 5 Choke Cherry Road. Approximately 50 feet tall.
3. An 'armature' of steel or some other material on which you can "sling" environmental stuff.

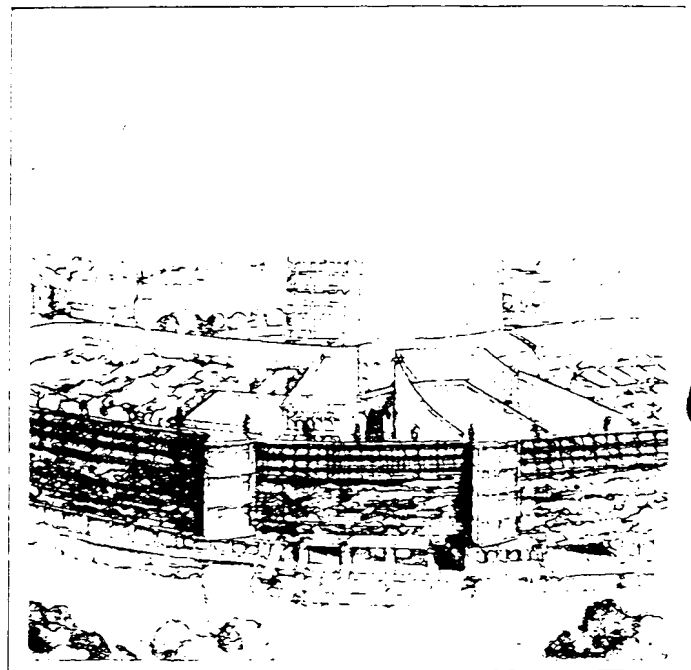
4. Sometimes, there's a void so you can see through it. It's slightly transparent. But, it's also not all entirely blank because every once in a while, at the end, a building comes forward and an inhabited space pops through.

Images from the Charrette depicting the Landscaped Art Wall are shown below.

Details of the design of the wall, including the construction materials, art content, maintenance, etc. will be addressed at the Use Permit stage.



View of Landscaped Art Wall from I-270 ramp



Bird's Eye View from the intersection of Choke Cherry and Shady Grove Roads

## King Farm

See attached letter of December 21, 2004.

## Retail Viability

In response to the request for additional information regarding the viability of the retail space proposed in the Upper Rock District Proposal, we have prepared the following to summarize certain objectives of the retail space.

The characteristics of the retail space in the Upper Rock District Proposal include the following:

1. The retail uses that will be proposed in the market place are small scale, specialty retail with no national chains and no high volume, carriage-trade businesses. Prospective tenants for the market place will include independent crafts makers and dealers, artists and art dealers, rare book and music dealers, etc. Such operators are generally considered 'specialty retail' and operate successfully in destination locations not suitable for higher volume retailers.
2. The retail space is modest in size and is intended to work with and complement the Live/Work units that are co-located with the retail market place. The Live/Work units line Choke Cherry Road at the entrance to the community and provide a low-scale commercial setting for the market place businesses.
3. Weekend and holiday sales events promoted in Upper Rock and King Farm will encourage community support of the unique retailers. Generous sidewalk and flexible travel lanes will provide an appropriate location for 'side walk' sales and other marketing events.

The objective of the Upper Rock District's retail incubator is to provide a vibrant but lower scale commercial core to the community and a unique destination amenity to the citizens of King Farm. The retail space is not intended to compete with the retail space located on Shady Grove Road or the commercial operations in King Farm.

Parking for the specialty retail is provided with on-street parking directly in front of the market place building and in structured parking accessed from the immediate vicinity of the retail market place. The ground-level parking within the garages has proven successful in other developments especially when plentiful directional signage is employed at the retail areas.

## Building Facades

The following is provided in response to the request for additional information on façade dimensions principally for buildings facing public roads. Blocks containing buildings facing public roads are as follows:

Blocks G and H face the I-270 ramp and will be substantially screened by the Landscaped Art Wall. The planner (DPZ Architects) has provided that facades of buildings within these blocks penetrate the Art Wall with such penetrations being approximately 45 to 60 feet.

Block B includes the existing building at 5 Choke Cherry Road which has a total façade length of approximately 260 feet. The principal façade plane is approximately 220 feet. This Upper Rock District proposal includes converting this building to residential use and constructing an addition that will reduce the façade to 200 feet.

Block C includes a building with frontage on Choke Cherry Road. The building façade is curved and is lined with live/work units at the ground level making an assessment of façade length somewhat subjective. The length of the block fronting Choke Cherry Road is approximately 160 feet. The building to be constructed on Block C is expected to be articulated such that the façade appears to be comprised of smaller, individual architectural components that will have the affect of lightening the façade.

Block E includes two structures with frontage on Choke Cherry Road.

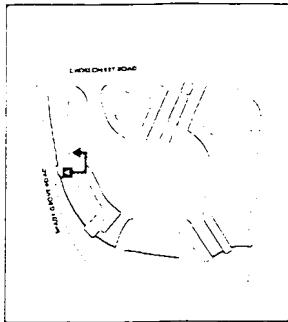
- Building E1 with a façade of approximately 140 feet on Choke Cherry Road and
- Building E2, a taller building with a façade of approximately 60 feet in Choke Cherry Road

As designs of all buildings are developed, refined and reviewed at Use Permit Stage, care will be exercised to reduce long, unbroken façades and encourage interesting, dynamic designs.

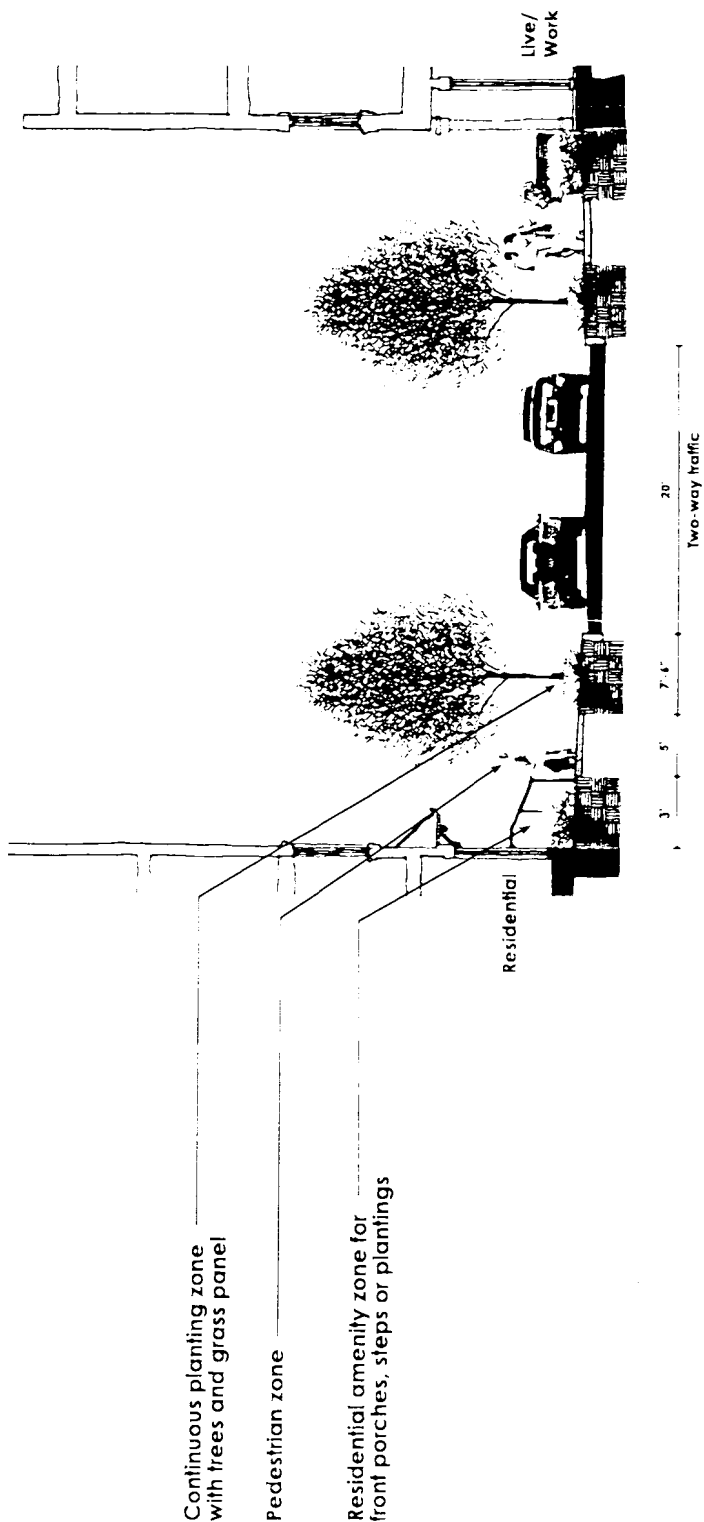
### Roadway Sections

StreetWorks has prepared sample section diagrams, which are attached.

# Section A



Key Plan



**Street-Works LLC**  
Development and Consulting Group

(21)

(21)



# Section B2

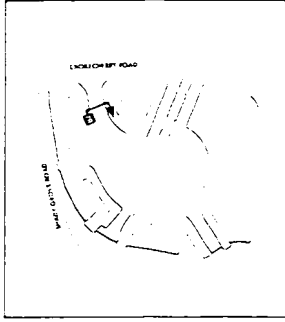
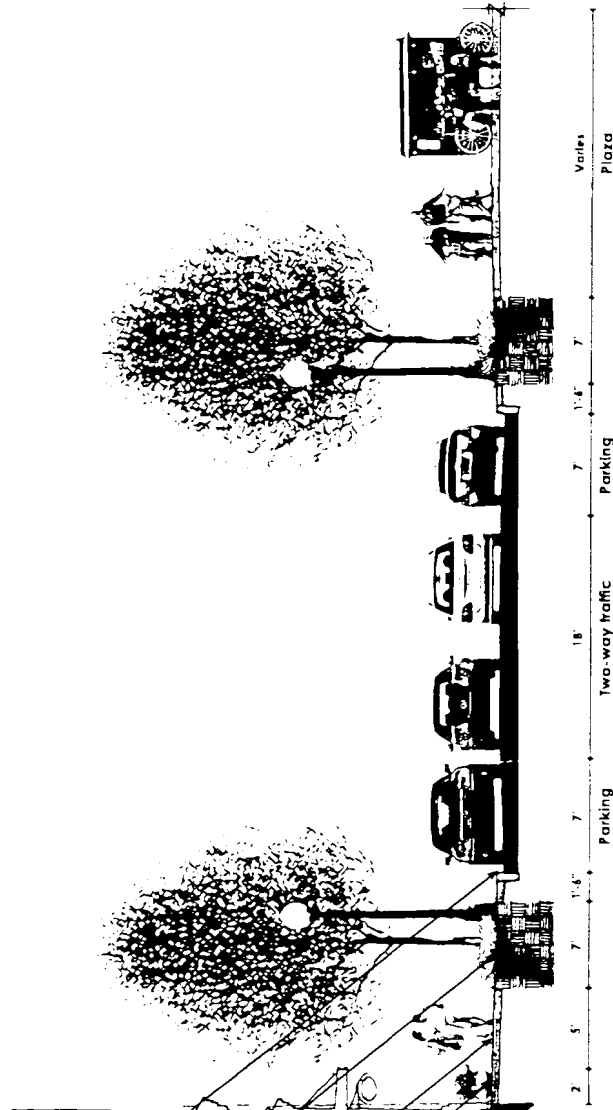
Parking zone includes a 1'-6" zone @ curb for door swing

Pedestrian amenity zone with trees, planters, benches, and pedestrian lighting.

Pedestrian walking zone

Storefront zone for exterior merchandizing, and store I.D.

Live/Work



Key Plan

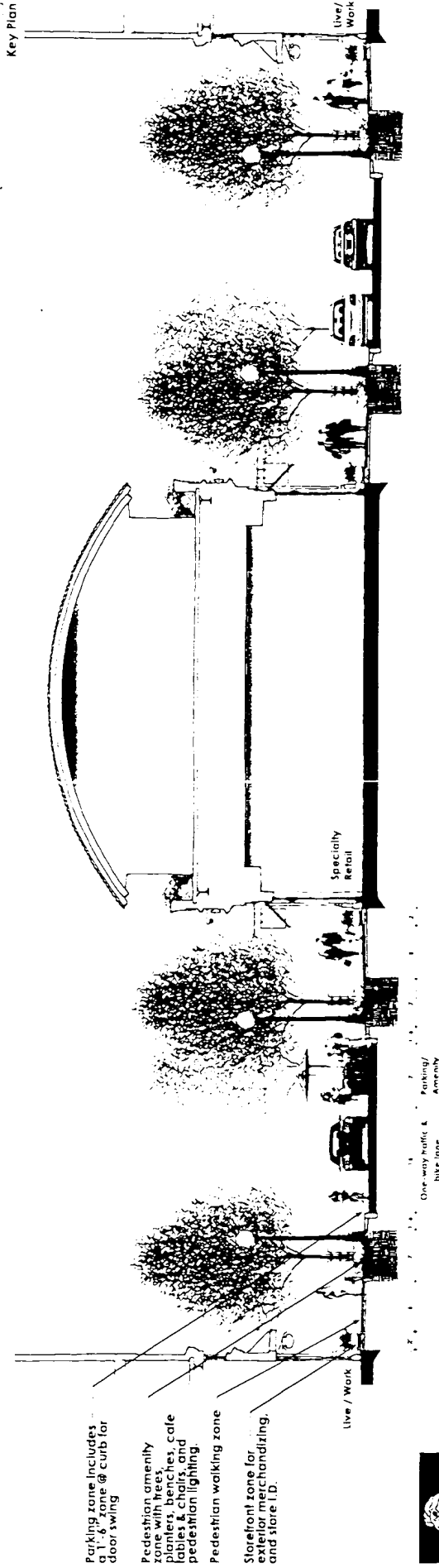
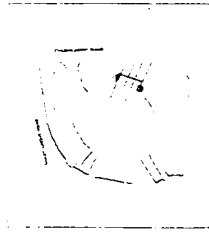


**Street-Works LLC**  
Development and Consulting Group

(23)

(23)

# Section C



Parking zone includes trees, tables, benches, cafe seating, and pedestrian lighting.

Pedestrian amenity zone with trees, tables, benches, cafe seating, and pedestrian lighting.

Pedestrian walking zone

Storefront zone for retail merchandizing and store I.D.

Live / Work

One-way traffic & bike lane

Specialty Retail

Live / Work



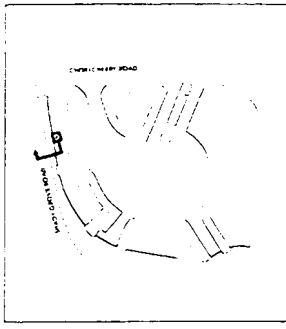
Street-Works LLC  
The JBG Companies

(22)

(24)



# Section D



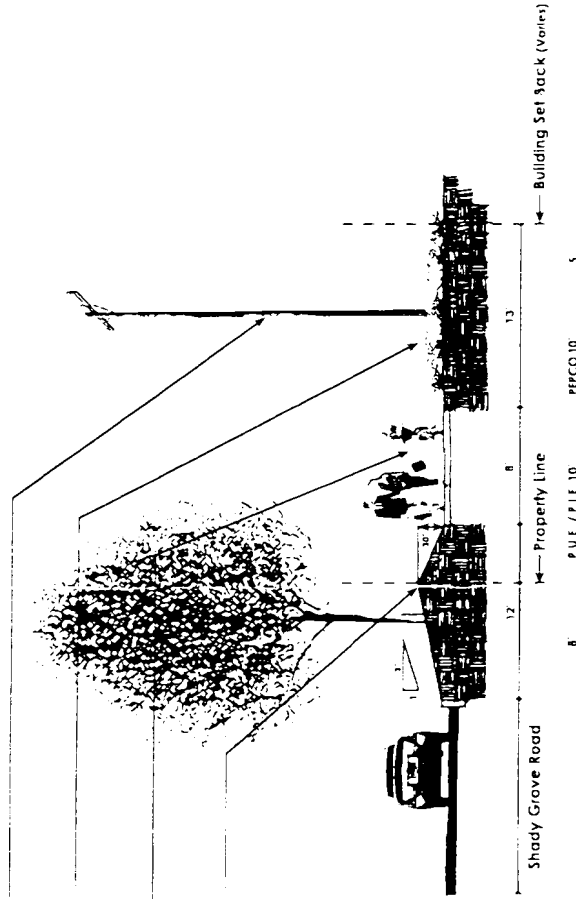
Key Plan

Utility Poles (locations varies)

Green zone - low plantings

Pedestrian and bike path

Tree/berm zone  
berm to 1:3 slope  
berm height - 30"

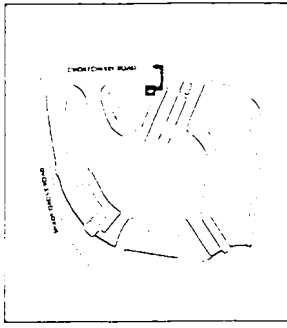


**Street-Works LLC**  
Development and Consulting Group

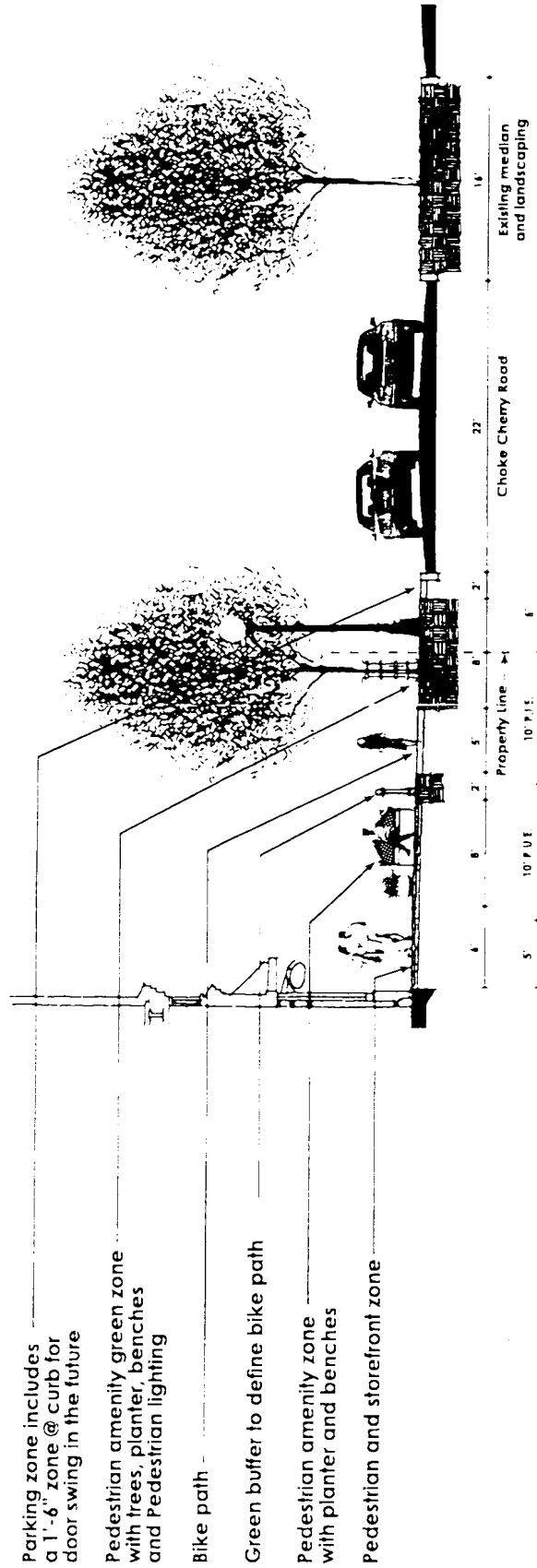
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# Section E



Key Plan





City of Rockville

## MEMORANDUM

December 2, 2004

TO: Mayor and Council

FROM: Planning Commission

SUBJECT: Recommendation on Preliminary Development Plan application PDP2004-00007 - Upper Rock District; JBG, Applicants

At its meeting of December 1, 2004 the Planning Commission reviewed the above referenced Preliminary Development Plan (PDP) application. The proposal is to construct a mixed-use project under the optional method of the I-3 Zone at the intersection of Shady Grove Road and Choke Cherry Road.

The Planning Staff Report recommended approval of the PDP with conditions. The Planning Commission received comments from the staff, the applicant, and members of the public. The applicant indicated that they concurred with all of the conditions of approval recommended by the staff. Several citizens spoke to the application. All of them supported the proposed project. William Meyer raised concerns about addressing noise issues for residences that would face onto I-270.

Two members of the City's Traffic and Transportation Commission also spoke. John Ober would like to see that when the Corridor Cities Transitway is designed that it include pedestrian and bicycle access across I-270. Richard Resnick asked that the conditions be expanded to include provisions for lining up the crosswalks and bus shelters along Shady Grove Road at the Choke Cherry Road intersection. In addition, he recommended that the traffic mitigation measures proposed by the applicant be accelerated so that they become available during the early phases of the project rather than at the end.

The Planning Commission strongly supports the proposed PDP application. All of the Commissioners commended the applicant for the extensive public outreach program prior to the filing of the application. Commissioner Ostell is concerned that the density proposed is higher than it should be, given the amount of traffic and parking that the project will generate. In recommending approval of the application, the Commission does recommend modifications to some of the proposed conditions. Condition 4 should be modified to include the applicant's proposal to add a left turn lane from eastbound King Farm Boulevard to northbound Frederick

Road (Rt. 355) as a mitigation measure. Condition 9 should be expanded to cover the necessary alignment of bus shelter locations and crosswalks at the Shady Grove Road/Choke Cherry Road intersection, in coordination with the Montgomery County Department of Public Works and Transportation. Condition 16 should be modified to change the word "should" to "shall", so as to read "Building designs shall incorporate green building and LEED energy efficient standards". The Commission also recommends that the proposed traffic mitigation measures be instituted with the beginning of project construction, rather than at the end. With these recommended modifications, the Planning Commission, on motion of Commissioner Holtz, seconded by Commissioner Ostell, voted to recommend approval of the proposed PDP by a vote of 7 to 0.

/dem

cc: Planning Commission

# CITY OF ROCKVILLE PLANNING DIVISION STAFF REPORT

November 23, 2004

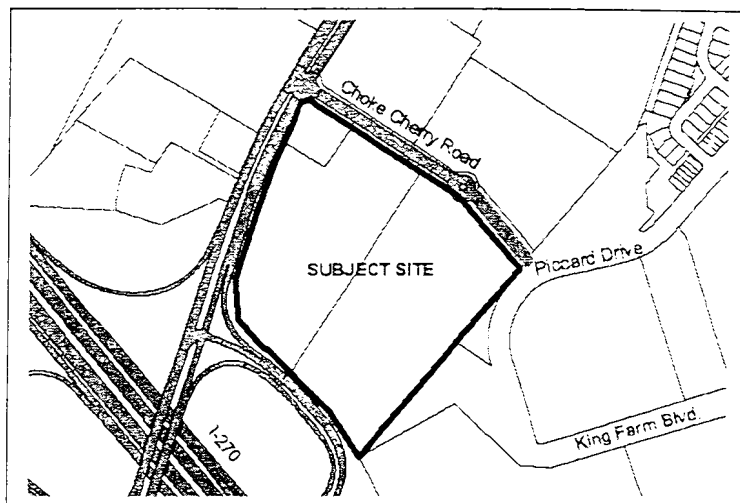
**SUBJECT:** Preliminary Development Plan  
Application PDP2004-00007 –  
1 – 11 Choke Cherry Road  
Upper Rock District

**Applicant:** The JBG Companies

**Owner:** JBG/Shady Grove Land LLC  
JBG/M Market Square I LLC  
JBG/5 Choke Cherry LLC  
4445 Willard Avenue  
Chevy Chase, MD

**Date Filed:** September 13, 2004

**Location:** Choke Cherry Road and Shady Grove Road



## REQUEST:

- The applicant requests approval of a Preliminary Development Plan to redevelop the property at the southeast corner of Choke Cherry Road and Shady Grove Road, consisting of 19.8 acres in the I-3 Zone. The application requests approval under the optional method of development for 844 multi-family, live-work, and age-restricted residential units, 238,086 square feet of office, 14,500 square feet of incubator retail/office, and 9,000 square feet of restaurant space.

## PREVIOUS RELATED ACTIONS:

A 9-story, 238,086 square foot office building was approved and constructed under Use Permit USE2003-00655. Two additional office buildings were approved under Use Permit USE2003-00658, totaling 117,000 square feet. These have not been constructed.

## RELEVANT ISSUES

In reviewing the application, the following issues emerged and have been addressed:

- Compatibility with the Citywide Master Plan recommendations.
- The relationship to other adjoining uses around the site.
- Traffic impact, access, on-site circulation and parking needs.
- Impact on public schools and other public facilities.

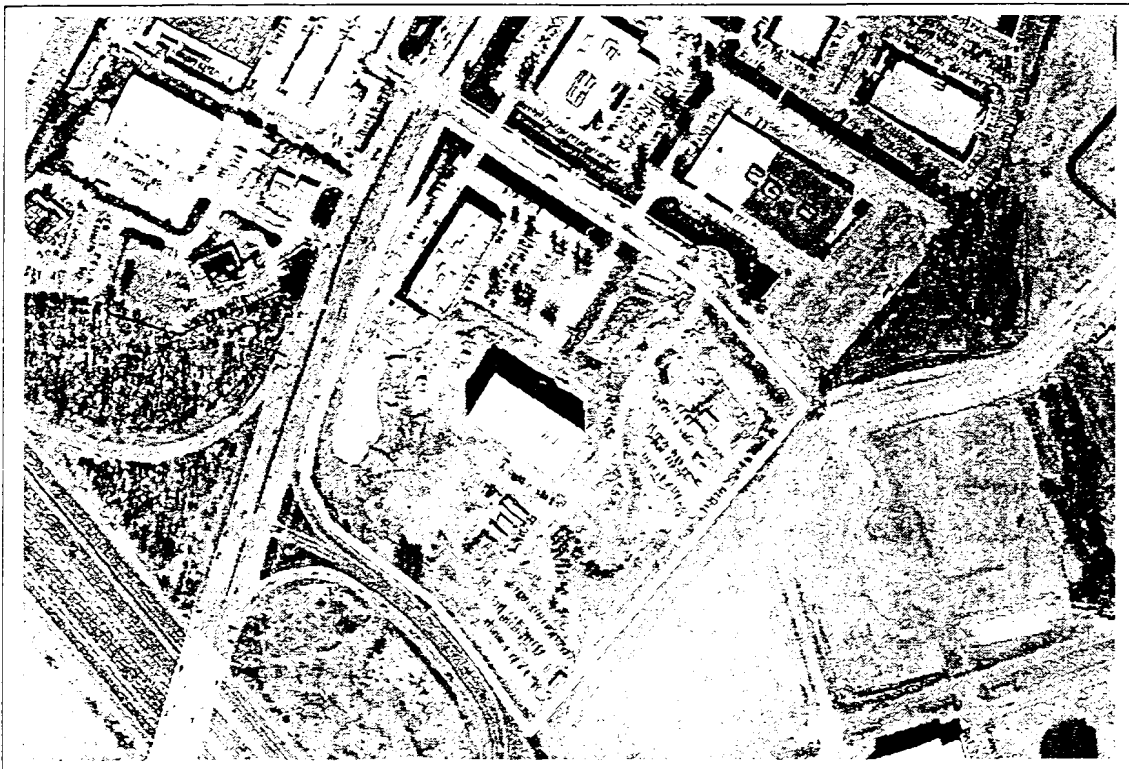
## ANALYSIS

### Background

The subject property is at the northern edge of the City. The site is a part of the Danac Technological Park, that was developed under the I-3 Zone in the 1960's and early 1970's. Originally, the Kodak processing laboratory occupied the rear portion of the site. A 3-story, 73,700 square foot office building was built at 5 Choke Cherry Road. This building is proposed to be retained, but converted to residential use under the PDP application.

### Property Description

The property is approximately rectangular in shape. It is bounded by Shady Grove Road on the west, Choke Cherry Road on the north, Piccard Drive and the King Farm on the east, and the Shady Grove Road interchange of I-270 on the south. The site consists of 19.81565 acres, divided into four ownership lots: 9A, 9B, 9C, and 9D. These ownership lots were predicated on the approved use permits for three new office buildings and the retention of the building at 5 Choke Cherry Road. If the PDP is approved, the ownership lots will likely be replatted.



Aerial View of Subject Site

As a condition of approval of the use permits, the applicant was required to extend Choke Cherry Road east from the cul-de-sac to connect with Piccard Drive. This work is nearing completion. The connection will be opened when the King Farm completes construction of housing along

Piccard Drive near Gaither Road. The Mayor and Council have approved portions of the bulb of the cul-de-sac for abandonment, subject to meeting the conditions of approval of the use permits previously approved for this site.

Under Use Permit USE2003-00655, the applicants have constructed a 9-story office building that has been leased by GSA for use by the Department of Health and Human Services, Substance Abuse and Mental Health Services Administration (SAMHSA). This building has recently been completed and occupied.

### Proposal

The Preliminary Development Plan (PDP) has been filed under the optional method in the I-3 Zone. The optional method allows for a greater range of uses, reduced parking requirements, and more flexible development standards than are available under the standard zoning provisions. The PDP must be approved by the Mayor and Council. The subsequent use permit(s) must be approved by the Planning Commission and be in conformance with the provisions of the approved PDP.

The application proposes to retain the new 9-story SAMSHA office building leased by GSA, totaling 238,086 square feet. The application also proposes to retain the existing 73,700 square foot 3-story office building at 5 Choke Cherry Road. However, this building is proposed to be converted to 100 loft-type "live/work" units. In addition, the proposal calls for constructing four other multi-family residential buildings with associated parking. Finally, the application proposes 14,500 square feet of retail/office, divided approximately equally between the two uses. There will also be 9,000 square feet of restaurant space.

The following chart summarizes the proposed development:

Use	Description	Dwelling Units	Square Footage
Office	General office		245,337
Multi-family	Apartments	524	
"Live/work" units	Loft-type units to include Live-in work space	126	
Retail	Specialty retail		7,250
Restaurant			9,000
Senior housing	MPDU Senior housing	94	
Total		844	261,587

The "live-work" units will be distributed throughout the project. Most of the loft units will be in the converted office space of the existing building at 5 Choke Cherry Road.

### Interrelationship between the Preliminary Development Plan (PDP), Illustrative Plan and the Use Permits

The PDP sets the overall levels of development at a concept plan level. The PDP is implemented by a subsequent Use Permit that serves as the detailed site plan and the

point at which compliance with the development standards (setbacks, height, parking requirements) and the design guidelines are evaluated. There are two separate plans associated with the PDP - a concept plan and an illustrative plan.

The concept plan or bubble diagram identifies the total amount of development (by type), building heights, and the number of parking spaces. This is the plan that will be acted on by the Mayor and Council. The concept plan sets the overall development density envelope. Minor reallocations of densities may be allowed during the approval of Use Permits, so long as the overall density envelope is not exceeded.

The second plan is an illustrative plan that shows proposed details that will be fully evaluated as part of the subsequent use permits. The illustrative plan is an exhibit in the PDP approval, but the actual layouts are not approved as part of the PDP. It has been extremely helpful to have the illustrative plan to show the intent of the development, establish access points, and to provide a sense of the scale and design of the proposed buildings. As a result, staff has identified a number of detailed issues that will need to be resolved prior to the approval of use permits. These issues are listed beginning on page 10. The illustrative plan is shown on Attachment 1 for reference.

Section 25-683(a) also provides that approval of the PDP constitutes approval of a Preliminary Subdivision Plan. In this case, the property has already been recorded as Lot 9 as part of the previous use permit activities. Attachment 4 shows the current record lot with ownership lots.

### **Development Standards – Optional Method**

This project is proceeding under the optional method of development in the I-3 zone. Under this procedure, the Mayor and Council may grant a greater variety of land uses and flexibility in setback requirements where development complies with more extensive standards of urban design review and traffic impact review and mitigation. In addition, there is more flexibility in development process, and an allowance for reductions in the parking requirements. In this case the applicant is pursuing the optional method to expand the range of uses and flexibility in setback requirements.

The optional method sets forth the following set of requirements, which are accompanied by the staff's findings for each:

1. The site must satisfy one of the following requirements:
  - a. The property is a minimum of forty (40) acres; and
    - i. A portion of the property is adjacent and contiguous to a Comprehensive Planned Development; and
    - ii. A portion of the property is located adjacent to an interstate highway; and
    - iii. A portion of the property is within fifteen hundred (1,500) feet of a planned or programmed transit station; or
  - b. The property is a minimum of ten (10) acres; and



- i. A portion of the property is located immediately adjacent and contiguous to a Comprehensive Planned Development; and
- ii. The property provides for a future transit right-of-way, transit center, transit station or other public transit oriented component acceptable to the Mayor and Council; and
- iii. A portion of the property is located adjacent to an interstate highway; and
- iv. A portion of the property is within fifteen hundred (1,500) feet of a planned or programmed transit station.

*The application conforms with subsection b above. It exceeds 10 acres in size, provides for a future transit right-of-way, is adjacent to I-270, and is within 1,500 feet of a planned transit station along the Corridor Cities Transitway on the King Farm property.*

2. The applicant must submit a traffic study in conformance with the Comprehensive Transportation Review.

*A traffic study has been submitted and reviewed. The traffic report is covered separately in this staff report.*

3. A draft declaration to be executed by all property owners which sets forth the rights, responsibilities, and duties of each property owner with respect to the amenities, open space, private infrastructure, dedications and any other obligations required under the Preliminary Development Plan for multiple building projects. The draft declaration shall include a proposed phasing schedule, which corresponds to each stage of development with the implementation of the rights, responsibilities and duties set forth in the Preliminary Development Plan application. The draft phasing schedule shall include, to the extent relevant, information regarding the provision of the following items: lighting, paving, open space, landscaping, stormwater management, pedestrian connections, parking, transit stop, roadway dedications and extensions, and any other obligations required under the Preliminary Development Plan. The declaration shall be finalized in the form approved by the Mayor and Council with all relevant conditions of approval incorporated therein. The finalized declaration shall be executed by all property owners, with a copy forwarded to the Mayor and Council, and recorded among the land records of Montgomery County prior to the issuance of the first Use Permit for development within the Preliminary Development Plan area;

*A draft declaration has been submitted with the application materials.*

4. A circulation plan indicating the public pedestrian ways linking all elements of the development with neighboring properties and any planned or programmed transit way station;

*A circulation plan has been submitted as part of the application materials.*

5. A Natural Resources Inventory/Forest Stand Delineation as required by the City's Environmental Guidelines.

*A Natural Resources Inventory/Forest Stand Delineation application was previously approved for this site as part of the processing of Use Permit USE2003-00658. The NRI/FSD will need to be updated to reflect the changes proposed in the application.*

### Required Findings

Optional method approval requires the same findings as a preliminary plan of subdivision. The required findings are listed below with a brief statement regarding the finding. Detail information supporting the findings is contained in the relevant sections of the staff report.

In reviewing Preliminary Development Plans, the Mayor and Council must make the following findings:

- (1) That the proposed development will not affect adversely the health or safety of persons who will reside or work in the neighborhood of the proposed development; and
  - (2) That the proposed development will not be detrimental to the public welfare or injurious to property or improvements located or to be located in or adjacent to the development; and
  - (3) That the proposed development will not be inconsistent with the intent or purpose of this division or article; and
  - (4) That the proposed development will not overburden existing public services, including water, sanitary sewer, public roads, storm drainage and other public improvements; and
  - (5) That the proposed development complies with the development standards and requirements set forth in this division; and
  - (6) That the proposed development complies with any applicable development staging and adequate public facilities requirements; and
  - (7) That the proposed development promotes the City's environmental objectives as set forth in the Environmental Guidelines.
- 
1. The staff finds that the proposed development complies with the standards and requirements of the optional method and the I-3 Zone for height, setbacks, and green area. The provision of live/work units and on-site retail and restaurant space will tend to reduce off-site traffic generation. The application also proposes to utilize "green" construction methods, which will save on energy consumption. Staff therefore finds that the application will not have an adverse impact on the health and safety of residents or workers in the neighborhood.
  2. The proposed development conforms to the optional method provisions for land uses and densities. The approved development includes two unbuilt office buildings totaling 117,000 square feet. The traffic assigned to those approved buildings is subsumed into the traffic generation for the proposed development. The access points to the site are

consistent with existing points of access. The completion of the extension of Choke Cherry Road under conditions of approval of the use permit for the GSA office building means that there will be better traffic distribution for the project, without all of the traffic having to go through the Choke Cherry-Shady Grove Road intersection. There is sufficient public water and sewer service available (via WSSC) to serve the site. Other sites adjoining the property are developed, or approved for development, with commercial office uses. Staff concludes that the proposed development will not be detrimental to the public welfare or injurious to property or improvements adjacent to the proposed development.

3. The optional method in the I-3 Zone was adopted for the purpose of expanding the types of uses and character of development that could be allowed in the zone. The application complies with the standards and requirements of the optional method, and is therefore consistent with the purposes and intent of the code.
4. Based on findings detailed elsewhere in this report, the staff finds that the proposed application will not overburden public facilities needed to serve the proposed development.
5. The application complies with the standards and requirements for the optional method in the I-3 Zone.
6. The applicant has submitted a traffic report, which indicates that, with mitigation, the new trips generated by the proposed development can be accommodated. In addition, the Applicant has agreed to construct additional capacity and bikeway improvements, beyond that which is required by the CTR to mitigate their impact, which will improve the overall transportation network in the region. The application also indicates that the project will be constructed in phases, as follows:
  - (1) Construct 5 new residential buildings and the service retail.
  - (2) Convert the building at 5 Choke Cherry Road from office to residential lofts, and construct an addition to 5 Choke Cherry Road for additional lofts and restaurant space.
7. The applicant proposes to achieve at least a LEED Certified rating for the new buildings. This, combined with the open space, storm water management, and forest conservation requirements, is consistent with the City's Environmental Guidelines.

### **Parking**

Parking reductions may be requested by the applicant under the optional method. However, the applicant is proposing to meet the minimum parking requirements for each use proposed. A total of 2,116 spaces are required, and that is number proposed. Final parking tabulations will be made at that time. The applicant has suggested that the live/work units will require only two spaces per unit. Documentation of this will be required at the time of Use Permit consideration and will have to be reviewed by the Traffic and Transportation Division prior to Planning Commission action.

### **Moderately Priced Dwelling Units**

The applicant is proposing 750 market-rate housing units. The Code requires that 12.5% of the units be moderately-priced, or 94 MPDU's. The applicant has offered that these units be made available as age restricted (age 55 and above) active senior housing. If the units are not all taken

by seniors, then the remaining units would be offered to other qualified persons or households on the City's or County's waiting lists.

### Schools

Using the current student generation rates provided by Montgomery County Public Schools, the project would generate the following numbers of students. The generation rates used in the staff's calculations are the official rates provided by MCPS for high-rise multi-family residential development. The numbers cited by the applicant are based on samples of similar types of development in the County, but are not yet established as official rates. The MCPS and M-NCPPC staffs are still working on updating the school generation rates, which were last revised in 1996.

	<u>844 units</u>
Elementary School:	57 students
Middle School:	19 students
High School:	14 students

For planning purposes, we assume that this project will not be fully occupied until the 2007-2008 school year. The adopted MCPS CIP provides the following for that horizon school year:

Rosemont Elementary School:	Program Capacity – 611; Enrollment – 514
Forest Oak Middle School:	Program Capacity – 942; Enrollment – 905
Gaithersburg High School:	Program Capacity – 2,126; Enrollment – 2,246

With the proposed development, the elementary and middle schools will remain within program capacity. As indicated by the applicant in their discussions with Montgomery County Public Schools, the generation rates for this type of development may in fact be overstated. An added 13 high school students represents only 0.6% of projected enrollment at Gaithersburg High School. Staff does not recommend deferral or denial of the proposed development solely on school capacity grounds.

### Environmental Review

#### Public Sewer

Sewer service is already provided at the site by WSSC to serve the existing development. There will be a net increase in sewer usage with the change to a predominantly residential development. This development is located within the Muddy Branch sewershed. The sewer lines servicing the site connect to the existing Muddy Branch sewer. There is currently a transmission capacity constraint in the Muddy Branch sewer main passing under I-270. The applicant will need to demonstrate that the transmission capacity issue will be remedied prior to the issuance of building permits. This issue will be further addressed at the time of Use Permit review. Wastewater treatment will be provided at the Blue Plains Wastewater Treatment Plant in the District of Columbia.

### Public Water

The Washington Suburban Sanitary Commission currently provides water service to the site to serve the existing development.

WSSC has adequate facilities to provide service demand volume and street level water pressure as recommended by the American Water Works Association (AWWA). High-rise buildings may require secondary water supply for fire protection of the upper floors. This will be determined as part of the building permit review process.

### Stormwater Management (SWM)

The Department of Public Works has approved the SWM concept plan on November 23, 2004. The applicant shall utilize the most recent design and sizing requirements according to the City's SWM regulations and the Maryland Department of the Environment (MDE) guidelines as contained in the latest version of the Maryland Storm water Design Manual. Storm water management for quantity control will be provided by a storage vault located under Garage H (Block H). Storm water management for quality control will be provided by underground structural filtering practices and underground recharge chambers located throughout the site in either open areas or beneath a parking garage.

### Flood Plain

No flood plains exist within the limits of the proposed development.

### Green Area

The application proposes to meet the minimum 40% green area requirement of the I-3 Zone. The staff recommends that sufficient active recreation areas be provided to serve the expect population on the site. This may include contributions for provision of additional open space and recreation facilities in the surrounding neighborhood, such as the King Farm Park and the King Farm Farmstead Park, to supplement the on-site recreation facilities.

### Sustainable Design

The applicant is proposing to explore a range of sustainable design strategies for the project. These may include the following:

- Green Roofs
- Daylighting in design
- Utilize environmentally sensitive materials
- Natural systems approaches to stormwater management
- Energy efficiency and LEED Green Building Rating System

The final details of these options will be reviewed during the use permit review process.

### **Public Art**

The applicant will be required to provide publicly-accessible art in accordance with the provisions of Chapter 4 of the City Code. The amount required is \$264,688. The location and character of the art will be determined during the use permit review process.

### **Transportation**

The Transportation Division has reviewed the Comprehensive Transportation Review submitted by the applicant, which took into account the needs of motorists, pedestrians, bicyclists, and transit users. City staff's recommendations, which serve to mitigate potential transportation impacts, of the proposed PDP, are included in the staff recommendation on attachment 6. These include improvements at the intersections of Shady Grove Road with Choke Cherry Road, and Gaither Road. In addition the applicant will install 3 traffic-calming devices along Redland Boulevard and other pedestrian safety improvements.

#### Future Transportation Conditions

The following conditions of approval will be incorporated into subsequent USE permits associated with this application:

1. Applicant shall contribute, prior to issuance of building permits, a monetary contribution of \$13,000.00 for the implementation of two bus shelters to be located nearby to the subject site or at locations in the vicinity of the site. This contribution will be incorporated into the Bus Stop Beautification CIP project.
2. All internal and external traffic control devices (i.e., signs, signals, marking, and devices placed on, over or adjacent to a roadway or pathway to regulate, warn, or guide pedestrians and/or vehicular traffic) shall comply with the latest edition of the Manual on Uniform Traffic Control Devices (MUTCD). A signing and pavement-marking plan shall be submitted to the Department of Public Works and approved by the Chief of Traffic & Transportation before the issuance of a Public Works Permit.
3. A Transportation Demand Management (TDM) agreement must be executed between the application and the City of Rockville prior to the issuance of building permits. This agreement will require the applicant to make a contribution of ten (10) cents a square foot of gross floor area of the proposed new building and \$60 per market rate dwelling unit per year for a period of ten (10) years. These funds will be used for various programs designed to reduce the number and impact of vehicle trips within the City of Rockville. The funds will be used for the purpose of TDM and the requested agreement will specify the timing and other requirements of future payments of the TDM fee. This sum will be incorporated into the TDM capital improvements program funds of the City. No occupancy

permit will be issued until the required roadway improvements are completed and the initial TDM annual installment is made.

4. Applicant shall provide bicycle lockers or bike storage room for residential uses and bike racks for retail uses at locations approved by the Department of Public Works. The number of bicycle storage facilities will be determined with staff and the applicant through the Use Permit process.
5. The applicant shall contribute \$125,000 into the City's Transportation Improvements CIP Fund, prior to the issuance of final building permits, towards the future installation of a traffic signal at the intersection of Choke Cherry and Piccard Drive if the signal meets warrants according to MUTCD and City of Rockville standards. If the signal is not warranted, the monies shall go towards additional traffic improvements in the immediate vicinity.
6. Provide truck turning exhibits and demonstrate that the Block A dumpster access can be accommodated.

#### **Public Notice**

The applicant conducted a series of public charrettes in the summer of 2004 to obtain input into the design principals that were to be incorporated in the final plan submittal.

Post card notice of the proposed PDP application and Planning Commission meeting date were sent to all adjoining and confronting property owners surrounding the project. In addition, post cards were sent to all civic associations in the neighborhoods surrounding the project.

#### **STAFF RECOMMENDATION**

Approval is recommended, subject to the following conditions:

1. Use Permits submitted to implement the PDP must be consistent with the approved PDP plan. Minor reallocations of floor area or uses may be allowed at the Use Permit stage, within the overall development envelope approved in the PDP.
2. Applicant shall submit letter from MD SHA to confirm location of future Corridor Cities Transitway right-of-way and applicant must reserve this right-of-way for future public use. No permanent improvements may be made in this right-of-way.
3. Applicant shall dedicate right-of-way and/or provide a Public Improvement Easement along Shady Grove Road to accommodate an eight-foot shared bike/pedestrian path, and an eight-foot buffer area and bus shelter(s) and right turn lane improvements per DPW and County standards prior to the issuance of first occupancy permits.
4. Obtain permits from Montgomery County and construct, the following off-site road improvement projects. The timing of these improvements will be determined through the Use Permit process:

- a. An eight-foot bike path and eight-foot tree buffer on Shady Grove Road along the frontage of the site per DPW and County requirements.
  - b. A right turn lane from eastbound Shady Grove Road to southbound Choke Cherry Road per DPW and County requirements.
  - c. A right turn lane from northbound Choke Cherry onto Shady Grove Road and associated markings per DPW and County requirements.
  - d. Lengthen the left turn bay from Shady Grove onto Choke Cherry per DPW and County requirements.
  - e. An additional westbound left turn lane from Shady Grove Road onto southbound Gaither Road and additional receiving lane on Gaither Road per DPW and County requirements.
  - f. A right turn lane from Shady Grove Road onto Gaither Road per DPW and County requirements.
5. Submit street cross sections for review and approval.
6. Streets and sidewalks that function like a public street must be designed, constructed and permitted according to the Department of Public Works standards. Design waivers may be required to accommodate possible reduced building setback. These streets and sidewalks must be covered by an agreement or declaration that requires public access to be maintained at all times. The agreement must also stipulate that the street be maintained according to the Department of Public Works standards.
7. The Applicant shall implement a five-foot bike lane on Piccard Drive between Redland and Millennium Trail connection at Gude to provide a bicycle connection identified in the City Bikeway Master Plan from the site to the Millennium Trail.
8. The Applicant shall install three traffic-calming devices in the Redland corridor between Piccard Drive and Pleasant Road in the adjacent King Farm community. The devices will be coordinated with the King Farm community, approved by staff and finalized at the Use Permit stage.
9. The Applicant shall upgrade the pedestrian infrastructure at the intersections of Shady Grove/Choke Cherry and Shady Grove/Gaither including crosswalk markings and countdown signals per DPW and County requirements.
10. The Applicant should coordinate and cooperate with the City, County and State as the Corridor Cities Transitway project proceeds to ensure that adequate pedestrian and bicycle facilities are provided in conjunction with the CCT project.
11. Safe pedestrian access and adequate parking must be provided during all phases of construction. Sidewalks must be a minimum of 15 feet wide. Final sidewalk designs will be determined during the use permit review process.
12. Payment of the County's Development Impact Tax, as applicable prior to the issuance of building permits.



13. Comply with all conditions detailed in the SWM concept approval letter dated November 23, 2004.
14. Provide on-site recreation and parks facilities such as passive and active open space. Active open space should include amenities such as tennis courts, tot lot playground for ages 2-12 years, walking paths, garden plots, etc. Consult with the Recreation and Parks Department during the Use Permit phase for design standards of facilities. Also, provide fitness facilities within buildings. The development should contribute toward recreation facilities in the surrounding neighborhood such as King Farm 28-acre park and the King Farm Farmstead to supplement on-site facilities.
15. Applicant must address the issue of sewage transmission capacity constraints at the time of Use Permit review. No building permits will be issued until the WSSC certifies that adequate transmission capacity is available.
16. Building designs should incorporate green building and LEED energy efficiency standards.
17. A Forest Conservation Plan (FCP) was previously approved for this site (FTP2000-00008A) and a Forest Conservation Easement (FCE) was established to protect trees on site. The proposed development will result in removal of protected trees. Prior to the approval of the Use Permit a revised Forest Conservation Plan must be approved that addresses additional tree loss, replacement planting requirements and updated afforestation requirements. The existing FCE will need to be abandoned and a new FCE created.
18. All utilities to be underground or within buildings, as directed by the Department of Public Works.
19. Provide public art in accordance with the provisions of Chapter 4 of the Code. Staff calculates the total art provision requirement at \$264,688. This consists of \$202,450 for the 750 market rate residential units, and \$62,238 for 261,587 total square feet of commercial/office space.

DEM/

Attachments:

1. PDP Generalized Land Use Concept Plan
2. Green Area Plan
3. Circulation Plan
4. Current ownership plat
5. Stormwater Management Concept Approval Letter
6. Traffic and Transportation Division Memo

Exhibits:

- A. Statement of Applicant
- B. Illustrative Drawings and Perspectives